

## INTRODUCTION

In the mid-1990s a coalition of non-governmental organisations (NGOs) and supportive states campaigned successfully for an international ban on anti-personnel mines. The campaign is widely regarded as a model for future non-governmental organisation (NGO) campaigns<sup>1</sup>, and as an example of the growing influence of civil society on international norms. It is said to exemplify a new kind of multilateralism in which NGOs, international institutions and small and medium states can generate global policy norms, without the backing of great power states. In its wake a campaign for the regulation of small arms emerged. This was expressly modelled on the International Campaign to Ban Landmines (ICBL), but has so far been less effective.

This paper is a comparative analysis of these two campaigns. It draws out the factors behind the success of the ICBL and uses them to analyse the small arms campaign. External factors include geopolitical conditions, the effects of globalisation, and the attitude of other actors in the international system. Internal factors comprise the framing choices of campaigners and their skill in contesting normative space, by linking the proposed new norms with pre-existing supportive norms and disassociating them from unfavourable precedents. It will examine whether the small arms campaign's lack of success calls into question the supposed enhanced capacity of civil society to influence international norms, and casts doubt on the putative emergence of a new system of global governance which can supersede the interests of powerful states. Ultimately the question

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<sup>1</sup> <<http://nobelprize.org/peace/laureates/1997/press.html>> (7/9/04).

is whether the ICBL is a useful model for successful campaigns, or a one-off success attributable to a coincidence of external circumstances and issue-specific factors which enabled NGOs to generate common interest with states<sup>2</sup>.

## **THE INTERNATIONAL CAMPAIGN TO BAN LANDMINES**

The success of the landmines campaign was a result of a combination of convenient external conditions and the ICBL's skill in conducting its campaign. The post-Cold War geopolitical background provided a window of opportunity for NGO input into 'national security' issues. Globalisation created new possibilities for transnational co-ordination and multilayered campaigning and an emerging system of complex multilateralism offered NGOs a greater role in global governance. The ICBL was fortunate too that opposition from other actors was not as strong as it might have been. Crucial to generating support was how the ICBL framed landmines in a humanitarian context and contested the normative space into which the ban was to be introduced. A final important element was the unique nature of landmines as weapons, which meant that prohibition could be an effective solution.

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<sup>2</sup> J. Marshall Beier, and Ann Denholm Crosby, 'Harnessing Change for Continuity: The Play of Political and Economic Forces behind the Ottawa Process', in Max Cameron and Robert Lawson (eds.) *To Walk Without Fear: The International Movement to Ban Landmines*, (Oxford, 1998).

## Geopolitical Conditions: the End of the Cold War

The ICBL took place in the immediate Post-Cold War era, beginning in 1992 and climaxing with the signing of the Ottawa Convention in December 1997. This time period could be regarded as a window of opportunity for NGO participation in international politics for several reasons. Firstly, the climate of mutual suspicion between the two blocs during the Cold War had discouraged the participation of NGOs in international politics<sup>3</sup>. This obstacle to NGO participation was greatly reduced with the fall of Communism.

Secondly, the ideological divide which had polarised international politics evaporated, allowing small and medium states a freedom they had previously lacked to adopt positions of their own. This enabled greater consideration of individual policy proposals, rather than automatic support for one of the two blocs<sup>4</sup>. During the Cold War, a state would have been unlikely to take action on a 'national security' issue like landmines, without first securing its allies' support. Unilateral measures such as the Belgian ban on landmines, which helped to build momentum early on, may not have been possible<sup>5</sup>. The backing of small and medium states, such as Canada, Norway and Ireland, was crucial, and was boosted by the Ottawa Process<sup>6</sup> use of majority voting<sup>7</sup>. This was a break from Cold War practice, when consensus-based decision-making had become the norm in

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<sup>3</sup> Mary Kaldor, *Global Civil Society: An Answer to War*, (Cambridge, 2003), 87.

<sup>4</sup> Kaldor, *Global Civil Society*, 13, 39, 79, Don Hubert, *The Landmine Ban: A Case Study in Humanitarian Advocacy*, (2000), available at <http://www.smallarmssurvey.org/Ops/OP04.pdf> (7/9/04), 30.

<sup>5</sup> Hubert, *The Landmine Ban*, 30.

<sup>6</sup> The Ottawa process refers to the Ottawa Convention's negotiation between likeminded states outside of UN auspices between October 1996 and December 1997

<sup>7</sup> Hubert, *The Landmine Ban*, 57.

order to avoid excluding large blocs<sup>8</sup>. Using majority voting was critical as it is faster and prevents action being blocked by recalcitrant states. Consensus remains the default system within many UN bodies, including the machinery set up under the Certain Conventional Weapons Convention (CCW), which was the existing multilateral framework dealing with landmines, so the ICBL's establishment of a fast-track negotiating system outside of UN auspices was key and would not have been possible during the Cold War.

Thirdly, the benign international security environment led to a large decrease in military expenditure<sup>9</sup> and a decline in emphasis on national security. This created more space on the global agenda for 'soft' issues<sup>10</sup>, such as humanitarianism and development— areas in which NGOs were regarded as experts and legitimate participants. Thus an opportunity was provided for NGOs to exert a greater influence on global policy<sup>11</sup>. States like Canada were also promoting the concept of human security at the time, which redefined security in terms of individuals, rather than states<sup>12</sup>. This de-emphasised 'national security' concerns such as preserving the military balance of power and controlling weapons of mass destruction (WMD). Instead the focus shifted to defending human security by controlling conventional weapons like landmines.

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<sup>8</sup> Ken Rutherford, 'The Hague and Ottawa Conventions: A Model for Future Weapons Ban Regimes?', *The Non-Proliferation Review* (Spring-Summer 1999), 36-50.

<sup>9</sup> Military expenditure decreased from \$1.2 trillion in 1985 to \$809 billion in 1998, <<http://www.globalissues.org/Geopolitics/ArmsTrade/Spending.asp>> (16/06/04)

<sup>10</sup> Ramesh Thakur and William Maley, 'The Ottawa Convention on Landmines: A Landmark Humanitarian Treaty in Arms Control?', *Global Governance* 5(3)(1999): 273-303.

<sup>11</sup> Kaldor, *Global Civil Society*, 114, Thakur & Maley, 'The Ottawa Convention on Landmines'.

<sup>12</sup> Hubert, *The Landmine Ban*, 61.

## **Globalisation and the Transnationalisation of Civil Society**

Although globalisation is an intensely contested concept, at a minimum it refers to increasing global interconnectedness, meaning more transnational connections between firms, individuals, and civil society groups as well as increasing interstate or international connections<sup>13</sup>. Communications globalisation and cheaper, faster international transport have encouraged the development of transnational connections between individuals and NGOs in different parts of the world. Coupled with this is an increasing awareness that problems are shared by the globe as a whole, rather than confined to nation states or regions; a process which has been encouraged by the spread of global media. This sense of global interconnectedness has been dubbed ‘globality’<sup>14</sup> and is a factor behind the tentative emergence of ‘transnational civil society’. The transnationalisation of civil society involves the formation of new transnational political communities and the strengthening of pre-existing ones, representing the development of an alternative form of political identity, which is issue-based, rather than territorial.

The ICBL can be regarded as an example of transnational civil society in action<sup>15</sup>, building a transnational community around landmines, with individuals in different

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<sup>13</sup> David Held, Anthony McGrew, David Goldblatt, and Jonathan Perraton, *Global Transformations: Politics, Economics and Culture*, (Cambridge: 1999), 52-9.

<sup>14</sup> Jan Aart Scholte, *Globalization: A Critical Introduction*, (Basingstoke: 2000), 85, 195, Kaldor, *Global Civil Society*, 112.

<sup>15</sup> Richard Price, ‘Reversing the Gun Sights: Transnational Civil Society Targets Landmines’ *International Organization* 52(3) (1998), 612-644.

countries linked by their mutual concern about the issue. It generated global awareness of landmines by campaigning simultaneously in numerous countries and at various levels of governance, whether national, regional or global<sup>16</sup>. It held international conferences attended by people from seemingly disparate parts of the world, and was sustained by technological globalisation, with activists communicating via telephone, fax and email<sup>17</sup>. Creating a transnational landmines community was a necessary precondition for mounting an effective campaign, but the existence of a transnational issue-based community in no way guarantees an influence on international norms. For NGOs, influencing international norms means persuading more powerful actors of their viewpoints. How they do this will be examined next.

## **Complex Multilateralism**

The capacity of NGOs to influence other actors has arguably been strengthened by the changing nature of global governance. The importance of intergovernmental organizations (IGOs) has increased in recent years due to the transnationalisation of trade and finance and deregulation at state level, which has created a need for re-regulation at global level. Growing recognition of the interconnectedness of global problems has also encouraged the delegation of more matters to the international level, which increasingly involves non-state actors, such as the media, 'experts', business, and NGOs, as well as

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<sup>16</sup> Jody Williams and Stephen Goose, 'The International Campaign to Ban Landmines' in Cameron and Lawson (eds.) *To Walk Without Fear*.

<sup>17</sup> Craig Warkentin and Karen Mingst, 'International Institutions, the State, and Global Civil Society in the Age of the World Wide Web', *Global Governance* 6(2) (2000), 237-256.

states and IGOs. This emerging form of global governance has been called complex multilateralism<sup>18</sup>.

NGOs are allowed to participate in this system because they serve several useful functions for IGOs. Although the problems the latter are tasked with solving affect the lives of millions, there is no direct democratic input into their deliberations and they have been subject to much criticism as a result. IGOs have attempted to remedy this 'democratic deficit'<sup>19</sup> by involving NGOs, whom they regard as serving a democratising purpose through providing a link with the public and increasing oversight of global governance<sup>20</sup>. In contrast to the divided attentions of state representatives, who cater to a multitude of different interest groups and may be more concerned with other national interests than the issue at hand, the ability of NGOs to focus exclusively on one issue can make them more effective in international fora<sup>21</sup>. Kaldor emphasises 'the parcellization of authority not on a territorial basis but on the basis of issues'<sup>22</sup> as a defining characteristic of IGOs, and the fit between the issue-based natures of IGOs and NGOs provides further explanation for the emergence of complex multilateralism.

As NGOs do not possess any 'hard power' in the sense of coercive abilities or large financial resources, their influence within this system relies on their ability to persuade states to support their viewpoints. The ICBL drove policy on landmines by exercising its

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<sup>18</sup> Robert O' Brien, Anne Marie Goetz, Jan Aart Scholte, and Marc Williams, *Contesting Global Governance*, (Cambridge: 2000).

<sup>19</sup> Joseph Nye, 'Globalization's Democratic Deficit: How to Make International Institutions More Accountable', *Foreign Affairs* 80(4) (2001), 2-6.

<sup>20</sup> O' Brien et al., *Contesting Global Governance*, 22.

<sup>21</sup> Ann Marie Clark, 'Non-Governmental Organizations and their Influence on International Society', *Journal of International Affairs*, 48(2)(1995), 507-25: 510, 513.

<sup>22</sup> Kaldor, *Global Civil Society*, 141.

‘soft power’. It established itself as the foremost expert on landmines, generated an undeniably large level of public support, and exploited the NGO advantage of being able to focus narrowly on one issue<sup>23</sup>. It used both direct lobbying and public mobilisation to exert pressure on states to support a ban<sup>24</sup>, and capitalised on the greater access to international negotiations afforded it by the Ottawa process.

### **Strong Support and Weak Opposition from International Actors**

A crucial factor behind the success of the ICBL was the attitude of other actors in the international system. The campaign succeeded in generating strong support from small and medium states, while the opposition of powerful states like the US, Russia and China was not as stiff as it might have been. In terms of supportive states, the ICBL was also fortunate in the composition of international political leadership at the time. The Liberal Canadian government was crucial to the campaign’s success, with the foreign minister Lloyd Axworthy giving it a huge boost by challenging all the states present at a 1996 landmines conference in Ottawa to return the following year to sign a treaty<sup>25</sup>. This unorthodox step contravened diplomatic protocol and would not have been taken by a less personally committed politician— illustrating the importance of individual national leaders in promoting the ban. While the Convention was being negotiated in 1996/7, New Labour came to power and became the first British government to support a ban. The

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<sup>23</sup> Clark, ‘Non-Governmental Organizations and their Influence on International Society’, 510, 513.

<sup>24</sup> Thomas G. Weiss and Leon Gordenker, ‘Pluralizing Global Governance: Analytical Approaches and Dimensions’ in Thomas G. Weiss and Leon Gordenker (eds.), *NGOs, the UN and Global Governance*, (Boulder, Colorado: 1996), 17-47: 38-9, Charles Chatfield, ‘Introduction’, in Jackie Smith, Charles Chatfield and Ron Pagnucco (eds.), *Transnational Social Movements and Global Politics: Solidarity beyond the state*, xiii-xvi, (New York, 1997).

<sup>25</sup> <http://www.icbl.org/tools/faq/treaty/ottawa> (24/02/06)

same applied for the new government in France. As major producers, the support of these two states was critical<sup>26</sup> and may not have occurred if different personnel had been in power. The recent collapse of apartheid was also important, as the support of Nelson Mandela's new government helped to convince African leaders to sign the treaty<sup>27</sup>

As for state opposition, although the Clinton administration opposed the Convention, its outlook was more multilateral than that of the later Bush government. Other opposing states included Russia and China, who might be thought of as 'critical states'<sup>28</sup>, given their status as major weapons producers. With the end of the Cold War however, neither was able to exert sufficient pressure on other countries to support them. Opposing states were also circumvented by the Ottawa process, which restricted full participation to states who favoured a complete ban, allowing only observer status to other states<sup>29</sup>. Despite the non-participation of the US, China and Russia, none of them outright opposed the ideal of eventually eradicating landmines. This was reflected in the unanimous passing of a General Assembly Resolution in December 1996 urging states to pursue a ban<sup>30</sup>. Indeed during the conference held at the signing of the Ottawa Convention, all three states indicated they would eventually comply with most of its provisions<sup>31</sup>. Although the US ostensibly favoured eventual prohibition, its demands at the Oslo conference in September 1997 that all the permanent members of the Security Council be included for

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<sup>26</sup> Martha Finnemore, and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization* 52(4)(1998), 887-917: 901.

<sup>27</sup> Finnemore & Sikkink, 'International Norm Dynamics and Political Change', 901.

<sup>28</sup> Finnemore & Sikkink, 'International Norm Dynamics and Political Change', 901.

<sup>29</sup> Hubert, *The Landmine Ban*, 37.

<sup>30</sup> <http://www.un.org/documents/ga/res/51/a51r045.htm> (24/02/06)

<sup>31</sup> Susan Benesche, Glenn McGrory, Cristina Rodriguez, and Robert Sloane, 'International Customary Law and Antipersonnel landmines: Emergence of a New Customary Norm' in *Landmine Monitor Report 1999: Toward a Mine-Free World*, (New York: 1999).

the ban to enter into force, and that the treaty should be abrogable during wartime<sup>32</sup>, revealed that really it wanted to prevent a ban emerging at all. The fact that states could not openly admit their opposition to a ban was testament to the success of the ICBL in generating a taboo around landmines.

Another actor within the complex multilateralism system which might have been expected to oppose the Ottawa Convention was business. In practice however the major arms companies were not vociferously opposed to a ban<sup>33</sup> due to the relative economic insignificance of anti-personnel mines. It was estimated that the trade in landmines accounted for less than \$100 million of the \$20 billion a year global arms trade<sup>34</sup>, so landmine sales were not proportionally significant. Landmines were also not very profitable; retailing at between only \$3 and \$27<sup>35</sup>. In fact, given that removing a mine from the ground can cost from \$200 to \$1000<sup>36</sup>, demining will probably be more profitable for the arms industry than landmine production<sup>37</sup>. In addition landmines tended to be manufactured by small contractors<sup>38</sup>, rather than large arms companies who would wield more influence over governments. Civil society opposition was also not an issue for the campaign, as unlike small arms landmines serve no peacetime function and are not in civilian possession.

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<sup>32</sup> Peter Malanczuk, 'The International Criminal Court and Landmines: What Are the Consequences of Leaving the US Behind?', *European Journal of International Law* 11(1) (2000), 77-90.

<sup>33</sup> Warkentin & Mingst, 'International Institutions, the State, and Global Civil Society in the Age of the World Wide Web'.

<sup>34</sup> Shawn Roberts and Jody Williams, *After the Guns Fall Silent: The Enduring Legacy of Landmines*, (Washington: 1995), 34.

<sup>35</sup> <http://www.landmines.org.uk/267> (26/2/06)

<sup>36</sup> [http://news.bbc.co.uk/1/hi/talking\\_point/2149352.stm](http://news.bbc.co.uk/1/hi/talking_point/2149352.stm) (26/2/06)

<sup>37</sup> Beier & Denholm Crosby, 'Harnessing Change for Continuity', 281.

<sup>38</sup> Hubert, *The Landmine Ban*, 37.

## **Framing & Contesting Normative Space: Establishing a Global Prohibition Norm**

Both the landmines and small arms campaigns could be described as processes of norm generation, whereby a concerted effort is made to generate new norms governing the behaviour of individuals and states. A norm is defined as ‘a standard of appropriate behaviour for actors with a given identity’<sup>39</sup>, and both campaigns represent attempts to change these standards. From a legal perspective, this is achieved through the enforcement power of states, which will translate states’ international legal commitments into domestic laws regulating the behaviour of individuals in their jurisdiction. From a normative perspective however, the new norm operates by exerting a moral compunction to comply on both states and individuals, through stigmatising the newly inappropriate behaviour. It is this feeling of moral obligation, generated by a shared sense that a norm is just and should be obeyed, which gives a special potency to norms<sup>40</sup>, exceeding that of other types of international regulations. This ‘oughtness’ of norms can be so powerful that it can obviate the need for the strict verification procedures usually involved in arms control regimes.

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<sup>39</sup> Finnemore & Sikkink, ‘International Norm Dynamics & Political Change’, 891.

<sup>40</sup> Finnemore & Sikkink, ‘International Norm Dynamics & Political Change’, 891.

The process of development of a norm from initial proposal to general acceptance has been described as the ‘norm life-cycle’<sup>41</sup>. The first stage of ‘norm emergence’ involves the framing of issues by ‘norm entrepreneurs’ (concerned individuals and NGOs) and attempts to persuade states to adopt the new norm<sup>42</sup>. How norm entrepreneurs contextualise an issue within a particular discourse, define it as a problem and propose solutions — a process referred to here as framing — is crucial to the success of this phase<sup>43</sup>. Context largely determines which actors are allowed to participate in policy formation and therefore which solutions can be put forward. Problematising the issue generates a perceived need for solutions, with the way in which the problem is defined making particular solutions seem appropriate. In other words the construction of new cognitive frames creates new ‘logics of appropriateness’<sup>44</sup>, in the context of which the proposed new norm will appear a fitting solution. Therefore it is often necessary to wage a lengthy framing contest before an effective campaign advocating specific normative solutions can be run.

Prior to the ban campaign, anti-personnel mines were seen as a legitimate weapon forming an essential part of states’ national security arsenal. They had been in widespread use for many years and there was no precedent for the banning of a common conventional weapon. The traditional procedure for arms control within this context was for consensus-based negotiations under UN auspices, which moved at a glacial pace. Arms control treaties typically establish rigid verification procedures, which often

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<sup>41</sup> Finnemore & Sikkink, ‘International Norm Dynamics & Political Change’.

<sup>42</sup> Finnemore & Sikkink, ‘International Norm Dynamics & Political Change’, 896-901.

<sup>43</sup> Finnemore & Sikkink, ‘International Norm Dynamics & Political Change’, 897.

<sup>44</sup> Finnemore & Sikkink, ‘International Norm Dynamics & Political Change’, 897.

constitute major sticking points for states suspicious of outside interference in their national security policy, thus slowing progress. The ICBL recognised that the landmine debate must be shifted away from this national security context, as this was traditionally regarded as the exclusive domain of states<sup>45</sup> and not as an area that NGOs should influence. Their first objective was therefore to change that context.

The traditional sphere of NGOs is humanitarian, so in order for them to be seen as experts on landmines, and for their views to be taken seriously by states, they needed to frame the issue in their field of humanitarian expertise. They did this by focusing on the human impact of landmines, rather than the security reasons why they had been put in place. This was achieved through publishing research which illustrated the extent of the problem from a humanitarian perspective. Members of the ICBL, and in particular the Landmine Survivors Network, were also able through their field operations to accumulate emotive images and personal testimonies of landmine victims, which made military arguments about the defensive need for mines seem callous. This enabled them to move away from the detached, objective-sounding language used by states to discuss national security issues to the franker, more emotionally-charged language of humanitarianism<sup>46</sup>. The power of first-hand, graphic accounts of human tragedy is something that even the most hardened state representatives would find hard to ignore, particularly when there is an obvious chain of cause and effect<sup>47</sup>.

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<sup>45</sup> Price, 'Reversing the Gun Sights', 613.

<sup>46</sup> Warkentin & Mingst, 'International Institutions, the State, and Global Civil Society in the Age of the World Wide Web'.

<sup>47</sup> Price, 'Reversing the Gun Sights', 623.

The victims featured in ICBL campaigns were usually women and children, despite the fact that 60% to 70% of landmine victims are men<sup>48</sup>. New norms which seek to protect innocents from bodily harm have been identified as among the easiest to popularise<sup>49</sup>, so this was an effective strategy for the ICBL to adopt. Using images of women and children served as pictorial shorthand to illustrate the point that landmines were maiming and killing civilians rather than combatants. All of this contributed to the framing of landmines as an apolitical humanitarian matter and shifted the focus away from national security concerns.

Framing the landmine issue as a humanitarian crisis implied that an urgent solution was needed. Whereas states are reluctant to intervene in matters of arms control and change in that context is slow, in situations of humanitarian crisis an expectation of rapid multilateral action has evolved<sup>50</sup>. Despite the fact that landmines had been a problem for many years, the ICBL engineered a sense of urgency through extensive advertising campaigns and generating statistics which illustrated the extent of the problem. Some international relations theorists argue that ‘the perception of a crisis or shock is a crucial factor in precipitating ideational or normative change’<sup>51</sup>, and this seems to have been recognised by the ICBL. The contrast between their rhetoric of crisis and the slow plodding nature of international legal negotiations at the 1993 CCW Review Conference was obvious and created a perceived need for an alternative ‘fast-track’ process. Framing

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<sup>48</sup> <http://www.humanitariandemining.org/demining/archive/lmeffects.pdf> (26/02/06)

<sup>49</sup> Finnemore & Sikkink, ‘International Norm Dynamics and Political Change’, 907, Ethan Nadelmann, ‘Global Prohibition Regimes: The Evolution of Norms in International Society’, *International Organization* 44(4) (Autumn 1990), 479-524.

<sup>50</sup> Price, ‘Reversing the Gun Sights’, 639.

<sup>51</sup> Price, ‘Reversing the Gun Sights’, 622.

the issue in a humanitarian context meant that landmines were no longer seen as a purely national security issue and liberated states from having to pursue a treaty through the UN Conference on Disarmament (CD), as suggested by opposing states.

Besides framing, another vital element of the norm emergence phase is how norm entrepreneurs relate the proposed new norm to pre-existing norms<sup>52</sup>: in other words how they contest and fight for ‘normative space’. This involves discrediting opposing norms and highlighting or creating links with supportive norms. In the case of landmines, the norms which had to be superseded were those of legitimate use and military utility. Opponents of prohibition argued that irresponsible use, rather than the weapon itself, was the problem, and that better regulation of landmines could mitigate the humanitarian crisis. Essentially they were arguing for the continuation of the pre-existing norm of legitimate use, but with more conditions attached. The ICBL would not even comment on proposals made after the first session of the CCW Review Conference to distinguish between different types of mines, since ‘to lobby on those issues is to acknowledge the continued legitimate use of landmines’<sup>53</sup>. Through its presentation of the landmines issue as a humanitarian crisis which had ‘literally exploded under the very watch of the CCW’<sup>54</sup>, the ICBL undermined the notion of legitimate use on which the CCW was based.

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<sup>52</sup> Price, ‘Reversing the Gun Sights’, Finnemore & Sikkink, ‘International Norm Dynamics and Political Change’, 908.

<sup>53</sup> Steve Goose, Human Rights Watch, cited in Price, ‘Reversing the Gun Sights’, 630.

<sup>54</sup> Price, ‘Reversing the Gun Sights’, 631.

Another means of doing this was to situate the landmine itself as the problem<sup>55</sup>. Landmines were portrayed as independent agents of destruction, lying in wait for their victims, beyond human control<sup>56</sup>. This conveniently distanced the issue from the governments that laid the mines and the states whose military industries produced them. Situating agency in the landmine allowed the ICBL to avoid engaging in any wider interrogation of the rights and wrongs of war, the military-industrial complex<sup>57</sup> or other national security norms<sup>58</sup>. The landmines problem became the fault of the landmines themselves<sup>59</sup>. This was an effective strategy as it ruled out the possibility of a norm of legitimate use and led to the conclusion that only a complete ban could solve the problem. It also had the secondary desirable effect of helping the ICBL to enlist the support of states, as it provided a means of framing the landmines issue without antagonising states through emphasising their culpability.

A second norm which the ICBL needed to overcome was that of military utility. This was achieved by publishing several documents which argued that landmines were not particularly useful for regular state armies and so not essential to national security<sup>60</sup>. Gradually the ICBL, and in particular the International Committee of the Red Cross, was

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<sup>55</sup> J Marshall Beier, 'Siting Indiscriminacy: India and the Global Movement to Ban Landmines', *Global Governance* 8(2002), 305-321: 316.

<sup>56</sup> Tim Carstairs, co-ordinator of the UK working group on landmines, 'Landmines: time to stand firm', *Health Matters* 23(Autumn 1995), 16-17. Available at <http://www.healthmatters.org.uk/issue23/landmines> (1/03/06).

<sup>57</sup> Beier, 'Siting Indiscriminacy', 316.

<sup>58</sup> Beier & Denholm Crosby, 'Harnessing Change for Continuity', 276.

<sup>59</sup> Miguel de Larrinaga & Claire Turenne Sjolander, '(Re)presenting Landmines from Protector to Enemy: The Discursive Framing of a New Multilateralism' in Cameron & Lawson (eds.), *To Walk Without Fear*, 380.

<sup>60</sup> The most influential of these was *Anti-personnel Landmines: Friend or Foe? A study of the Military Use and Effectiveness of Anti-personnel Mines*, published by the ICRC in 1996.

able to persuade an influential portion of the military<sup>61</sup> that the utility of mines was questionable

Another aspect of contesting normative space is linking the proposed new norm with pre-existing supportive norms, as a new norm is more likely to successfully emerge if it is anchored in a pre-existing normative discourse<sup>62</sup> or has a legal precedent. In the case of landmines, this was done by framing landmines as a humanitarian issue and highlighting the (by now) self-evident relevance of international humanitarian law (IHL). An essential tenet of IHL is the concept of proportionality between military utility and suffering which is used to determine whether a weapon should be permitted. As the military utility of landmines had been discredited, that balance now shifted towards suffering, and hence to prohibition. IHL also prohibits means and methods of warfare which are indiscriminate, a criterion which was shown to apply to landmines by the use of images of maimed civilians in ICBL advertising campaigns. It is worth noting here that the nature of landmines as weapons made them amenable to prohibition. As the landmine is a single-use weapon, 'used' only once when a victim steps on it, second-hand trade is not a major issue<sup>63</sup>, making a ban easier to enforce.

Once the norm has completed the emergence phase, a 'tipping point' occurs<sup>64</sup>, after which it becomes accepted by most states and enters the 'norm cascade' phase<sup>65</sup>.

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<sup>61</sup> Hubert, *The Landmine Ban*, 15.

<sup>62</sup> Price, 'Reversing the Gun Sights', 630.

<sup>63</sup> Robert Muggah and Peter Batchelor, "*Development Held Hostage*": *Assessing the Effects of Small Arms on Human Development*, (UNDP: 2002), 18.

<sup>64</sup> Finnemore & Sikkink, 'International Norm Dynamics and Political Change', 901.

<sup>65</sup> Finnemore & Sikkink, 'International Norm Dynamics and Political Change', 902-904.

Finnemore and Sikkink argue that the tipping point usually requires participation by a third of relevant states, but it is also important that ‘critical states’— the identity of whom will vary from issue to issue— adopt the norm<sup>66</sup>. Reaching the tipping point could therefore be used as a barometer for measuring the success of a campaign. The ICBL succeeded in reaching this point, whereas the small arms campaign is still at the stage of norm emergence, where a framing contest is being waged prior to the possible emergence of strong norms. Whether or not a tipping point comes about depends on how skilfully NGOs frame the issue and contest normative space, but also on external factors such as geopolitical conditions and the strength of opposition to the new norm. As will become clear from the following analysis of the small arms campaign, less favourable combinations of these factors can result in diminished campaign impact.

## **THE SMALL ARMS CAMPAIGN**

The small arms campaign has to contend with a less encouraging international context than the ICBL. External conditions such as the end of the Cold War and globalisation, have had more negative consequences for small arms proliferation. The War on Terror has mitigated against NGO influence on international politics and the campaign faces stiffer opposition from a broader variety of actors. Finally, the more complex nature of the issue has made framing and transnational coordination more difficult, limiting the effectiveness of the campaign.

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<sup>66</sup> Finnemore & Sikkink, ‘International Norm Dynamics and Political Change’, 901.

## **Regulating Small Arms in a Post-Cold War climate**

Individual NGOs began working on small arms in the mid-1990s<sup>67</sup>, but a coordinated campaign did not emerge until 1998 when IANSA was established<sup>68</sup>. Some of the positive effects of the end of the Cold War for landmines regulation applied to the early years of small arms campaigning. The relaxation of national security concerns in favour of soft issues and the lack of an international ideological divide facilitated NGO participation in global politics and greater freedom of movement for small and medium states such as Canada, which hoped to reprise its earlier role by pushing for small arms regulation<sup>69</sup>.

However the scale of the problem was increased by factors stemming from the end of the Cold War, such as the breakdown in state control of arms stockpiles which led to major leakages in Eastern Europe and the former Soviet Union. The privatisation of state-owned arms industries also led to indiscriminate arms sales by newly profit-hungry companies. Brokers became harder to control, with previously government-sanctioned operators whom intelligence agencies had used to set up grey market deals during the Cold War becoming detached from national security interests and selling to the highest

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<sup>67</sup> Peter Batchelor, 'NGO perspectives: NGOs and the small arms issue', *Disarmament Forum* 2002 (1), 37-40: 37.

<sup>68</sup> <http://www.iansa.org/about.htm> (1/03/06)

<sup>69</sup> Smith, Chris, 'The 2001 conference – Breaking out of the Arms Control Framework', *Disarmament Forum* (2000), 39-45: 39.

bidder<sup>70</sup>. As a result the ramifications of the end of the Cold War were more of a mixed bag than had been the case with landmines. While efforts to regulate small arms certainly benefited from some of the positive aspects of the post-Cold War political climate, proliferation actually worsened.

## **The War on Terror and the Return to National Security**

The 9/11 terrorist attacks happened just two months after the Small Arms Conference<sup>71</sup>. Although the conference succeeded in temporarily raising public awareness, it was overshadowed by 9/11 and its repercussions. The renewed emphasis on national security due to the War on Terror has reduced the profile of soft issues on the global agenda, undermining the efficacy of NGO efforts to frame small arms in their fields of expertise. It has also returned the focus of arms control discourse to WMD, as evidenced by events in Iraq, Iran and North Korea, and is likely to result in diminished funding for small arms control<sup>72</sup>. When small arms are considered by states, it is now more likely to be in the context of national security<sup>73</sup>, as illustrated by the recent relaxation of US human rights-based arms export criteria<sup>74</sup>. The ‘with us or against us’ attitude of the Bush administration has also reduced the freedom of movement of NGOs and small and

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<sup>70</sup> Brian Wood and Johan Peleman, *The Arms Fixers: Controlling the Brokers and Shipping Agents*, (1999). Available at <http://www.nisat.org/publications/armsfixers/default.htm> (10/6/04).

<sup>71</sup> The UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The non-binding Programme of Action (PoA) which emerged from the conference is currently the most comprehensive international instrument dealing with small arms.

<sup>72</sup> Edward Laurance and Rachel Stohl, ‘*Making Global Public Policy: The Case of Small Arms and Light weapons*’, Occasional Paper No. 7, (Small Arms Survey: 2002), 43. Available at <http://www.smallarmssurvey.org/OPs/OP07UNConference.pdf> (7/9/04).

<sup>73</sup> Laurance & Stohl, ‘*Making Global Public Policy*’, 43-4.

<sup>74</sup> Human Rights Watch, ‘Dangerous Dealings: Changes to US Military Assistance after September 11’, 14 (1) (2002), 1-15.

medium states. Anticipation of a negative reaction from the US might help to explain the failure of small and medium states to form a core group on small arms, despite the absence of substantial progress at the Small Arms Conference.

The War on Terror has had some positive side effects on the small arms issue however. International financial transactions are now more open to scrutiny, with the conclusion of over fifty agreements against money laundering<sup>75</sup>. This should make it more difficult for the proceeds of illicit arms deals to be hidden in offshore bank accounts, thus hindering arms brokering and illicit trade. Many countries have also stepped up border controls, and this has been linked to an increase in the market price of small arms<sup>76</sup>, indicating decreased supply.

## **Globalisation and Small Arms**

Aspects of economic globalisation which have made small arms control more difficult include the transnationalisation of the arms industry and the deregulation of international trade and finance. Western defence industries are becoming more export-oriented due to the decline of state subsidisation. This trend has been exacerbated by the transnationalisation of production and brokering. 1,249 firms in over ninety countries are currently involved in production<sup>77</sup>, while brokers can locate different parts of their operations in different countries; capitalising on arms surpluses in one part of the world

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<sup>75</sup> United Nations, *Report of the United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, A/CONF.192/BMS/2003/1, 18.

<sup>76</sup> Small Arms Survey, *Small Arms Survey 2003: Development Denied*, (Oxford: 2003), 62.

<sup>77</sup> Small Arms Survey, *Small Arms Survey 2004: Rights at Risk*, (Oxford: 2004).

and high demand in another, or conducting their business in weak states with poor regulation to circumvent what few international controls exist<sup>78</sup>.

Financial deregulation has meant that proceeds from illicit arms deals can be hidden in offshore tax havens, making the tracking of international arms deals difficult. Although this problem has been alleviated to some extent by the recent conclusion of agreements against money laundering, the sheer volume of international financial transactions, which have increased massively since the 1970s, makes comprehensive enforcement problematic. Wars are also being prolonged by combatants' easy access to global markets, enabling them to trade conflict goods like diamonds or drugs in exchange for small arms<sup>79</sup>.

On the other hand, the same globalising factors which facilitated the creation of a transnational landmines community still exist. Media globalisation has helped raise awareness of the problem and technological globalisation has facilitated communication between campaigning NGOs in different countries. Despite this, the campaign has been less successful than the ICBL in coordinating its activities, partly due to framing difficulties, and partly because IANSA failed to adopt a strong advocacy role from the outset<sup>80</sup>. In the early days IANSA aimed for breadth rather than depth of support and even included a disclaimer on its documents saying the views expressed were not

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<sup>78</sup> Smith, 'The 2001 conference', 40.

<sup>79</sup> Robert Muggah & Peter Batchelor, "*Development Held Hostage*": *Assessing the Effects of Small Arms on Human Development*, (New York: 2002), 11. Available at [http://www.undp.org/bcpr/smallarms/docs/development\\_held\\_hostage.pdf](http://www.undp.org/bcpr/smallarms/docs/development_held_hostage.pdf) (7/9/04).

<sup>80</sup> Laurance & Stohl, '*Making Global Public Policy*', 22.

necessarily shared by all participants<sup>81</sup>. In contrast the ICBL spoke with one voice from the outset. Human rights and humanitarian NGOs were said to have felt excluded due to the omission of their concerns from the PoA, and operated largely independently of IANSA<sup>82</sup>. Better coordination will be needed to take advantage of the multilayered campaigning opportunities offered by the transnationalisation of civil society and there are some signs that this is now happening. In 2002 IANSA appointed a new director with the aim of providing ‘strategic and dynamic leadership to a network of NGOs’<sup>83</sup> and launched the ‘Control Arms’ campaign as a joint venture with Oxfam and Amnesty International in 2003<sup>84</sup>. Now that improved coordination seems to be taking place, the campaign may prove more effective.

## **Complex Multilateralism & The Attitude of Other Actors in the International System**

The emerging system of complex multilateralism which was exploited by the ICBL may not be so easy for the small arms campaign to utilise. The US and other opposing states are now more aware of the threat posed to their interests by coalitions between NGOs and like-minded states<sup>85</sup>, so the element of surprise has gone.

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<sup>81</sup> Hubert, *The Landmine Ban*, 53.

<sup>82</sup> Laurance & Stohl, ‘*Making Global Public Policy*’, 30.

<sup>83</sup> IANSA, *IANSA Newsletter*, February 2002, 23.

<sup>84</sup> <[http://www.controlarms.org/events/launch\\_summary.htm](http://www.controlarms.org/events/launch_summary.htm)> (7/9/04)

<sup>85</sup> Hubert, *The Landmine Ban*, 69.

Other international actors such as the arms industry and civil society are also more opposed to small arms regulation. As for the UN, it appears determined to avoid a repetition of its circumvention by the Ottawa process<sup>86</sup>.

Turning first to states, opponents have been largely the same as for landmines, but are better prepared and have pre-empted regulatory efforts from the beginning. An example was the participation of major producers like the US, Britain and France in an early meeting of supposedly like-minded states and NGOs in 1998<sup>87</sup>. The participation of opposing states in the Small Arms Conference also contrasts with the Ottawa process<sup>88</sup>, as does the use of consensus rather than majority voting. As a result the Programme of Action (PoA) was defined by the lowest-common denominator positions of recalcitrant states. For example, even though the vast majority of states agreed that sales of military-style weapons to civilians should be banned, the issue was omitted due to US opposition<sup>89</sup>.

The ideological orientation of many governments has swung to the right since 1997, but perhaps the most significant change has come from the US. The Bush administration appears almost ideologically opposed to multilateralism, refusing to support the Kyoto Protocol, the Anti-Ballistic Missile (ABM) Treaty, the International Criminal Court, and invading Iraq against UN wishes. A generalised disregard for multilateralism and

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<sup>86</sup> Hubert, *The Landmine Ban*, 54.

<sup>87</sup> Hubert, *The Landmine Ban*, 51.

<sup>88</sup> Hubert, *The Landmine Ban*, 37.

<sup>89</sup> Batchelor, 'NGO perspectives', 39.

international law is clearly not conducive to the development of new global norms. In addition, the Republicans strongly support the US gun lobby.

State support is also weaker with even seemingly supportive states varying in their enthusiasm for different types of regulation. Many developing countries support marking and tracing, weapons destruction and monitoring measures, but oppose export controls and conditionality<sup>90</sup>. Hubert has highlighted the dangers of NGOs allying themselves with governments too early in a campaign, before their full support has been clearly established. He notes that the ICBL was careful not to form an alliance with states until they had fully committed to supporting a ban and that the small arms campaign should follow its example<sup>91</sup>. Whether IANSA can claim to be independent of state influence, even at this early stage, is dubious, given its funding by Britain, Belgium, Sweden and Norway<sup>92</sup>.

Another salient difference from landmines is the attitude of the major arms companies. The value of the legal small arms trade is estimated at \$4-6 billion a year<sup>93</sup>, and thus represents a significant proportion of weapons transfers<sup>94</sup>. As a result, the arms industry is more vocal about small arms regulation and the economic importance of military industries undoubtedly influences state positions. The arms industry is also a major

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<sup>90</sup> Laurance & Stohl, 'Making Global Public Policy', 32.

<sup>91</sup> Hubert, *The Landmine Ban*, 62.

<sup>92</sup> [www.iansa.org/aboutiansa.htm](http://www.iansa.org/aboutiansa.htm) (7/9/04).

<sup>93</sup> Small Arms Survey, *Small Arms Survey 2001: Profiling the Problem*, (Oxford: 2001), 145.

<sup>94</sup> Using the figure of \$20 billion for the total global arms trade in 1995 (Roberts & Williams, *After the Guns Fall Silent*, 34), small arms would therefore constitute approximately 25% of this total, as compared to 0.5% for landmines.

backer of the World Forum on the Future of Sport Shooting Activities (WFSA)<sup>95</sup> which participates as an NGO in the UN process. Part of its strategy is to differentiate between licit and illicit trade, encouraging governments to target only the latter –the position taken by the PoA. As the line between licit and illicit trade is notoriously blurred<sup>96</sup>, the arms industry’s opposition to transparency measures is unsurprising<sup>97</sup>. The global illicit trade is estimated at less than \$1 billion a year, but at 10-20%<sup>98</sup> this represents a high proportion of all sales.

Civil society groups represent another formidable opponent which did not exist for the ICBL. The main opposing group is WFSA which represents thirty-three organisations in over fifteen countries, including hunting and sports shooting groups, and manufacturers<sup>99</sup>. Its most prominent member is the National Rifle Association (NRA), a group whose influence on the American delegation to the Small Arms Conference was huge<sup>100</sup>, ensuring that no references to controlling transfers to civilians or non-state actors were included in the final PoA.

While the arms industry opposes regulation in order to protect its profits, groups like the NRA represent a different set of norms for the campaign to overcome. Private gun ownership has been an intrinsic part of US popular and political culture since the days of

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<sup>95</sup> Batchelor, ‘NGO perspectives’, 38.

<sup>96</sup> Robert Muggah, and Martin Griffiths, *Reconsidering the tools of war: small arms and humanitarian action*, Overseas Development Institute, (London: 2002), 3.

<sup>97</sup> Maria Haug, Martin Langvandslie, Lora Lumpe and Nicholas Marsh, Nicholas ‘*Shining a Light on Small Arms Exports: The Record of State Transparency*’, Occasional Paper No. 4, Small Arms Survey & (NISAT: 2002), 11.

<sup>98</sup> Muggah & Griffiths, *Reconsidering the tools of war*, 4, Nicholas Marsh, ‘Two Sides of the Same Coin? The Legal and Illegal Trade in Small Arms’, *The Brown Journal of World Affairs* 9(2) (2002), 217-228: 220.

the earliest settlers and enjoys both secular and religious support. The latter comes mainly from the Christian right which links the right to bear arms to the Christian tenet of the right to self-defence<sup>101</sup>. Overcoming a norm which is embedded in religious belief represents an additional difficulty for the small arms campaign.

The UN's attitude to the issue has arguably been more territorial than helpful, with Hubert concluding that 'within the UN, the Department of Disarmament Affairs has until recently done more to inhibit than to promote coalition building'<sup>102</sup>. The sidelining of the UN was a crucial factor in the success of the landmines campaign, and if intergovernmental action remains confined to the machinery set up under the PoA, it cannot achieve significant progress. Small arms has been pigeonholed as a national security and arms control matter within the UN<sup>103</sup> and while the process remains under UN auspices it is unlikely to overcome this compartmentalisation.

Although the emerging system of complex multilateralism provides greater opportunities for NGOs to influence global policy, it provides no guarantee of success. This is illustrated by the differing responses of the two campaigns to the two UN conferences dealing with landmines and small arms. Like the CCW Review Conference, the Small Arms Conference represented an opportunity for NGOs to influence global policy formation. The terms of access for NGOs were better, allowing them limited speaking

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<sup>99</sup> <http://www.wfsa.net/Links.htm> (26/1/06)

<sup>100</sup> Aaron Karp, 'Small Arms: Back to the Future', *The Brown Journal of World Affairs* 9(2)(2002), 179-191: 186.

<sup>101</sup> *Small Arms Survey 2004*, 181.

<sup>102</sup> Hubert, *The Landmine Ban*, 61.

<sup>103</sup> Laurance & Stohl, *Making Global Public Policy*, 28.

time<sup>104</sup>. Despite this, the small arms community, unlike the ICBL, was unable to use the venue as a launching pad for a fast-track campaign. Ironically, the ICBL may have benefited from its exclusion from the CCW Review Conference, as it dramatised the fact that states were excluding humanitarian concerns from consideration. By incorporating IANSA within the conference, the UN maintained control of the process and possibly diluted the vehemence of NGO advocacy. The result was that the Conference failed either to come up with radical, binding regulations or to generate any momentum for an independent negotiating process.

Since then there have been two Biennial Meetings of States which were mandated only to comment on the implementation of existing policy. A Review Conference is slated for June 2006, but the outcome of the PrepCom<sup>105</sup> in January was discouraging, with states failing to agree on the final conference document, which would have set the parameters of the June agenda. This was due to opposition from a small number of countries including the US, China and India. It is noteworthy that none of these countries has ratified the Ottawa Convention either<sup>106</sup>, but that it still went ahead without them. The only way forward from this impasse may be to again set up an independent negotiating procedure outside of UN auspices. IANSA is of the opinion that any renegotiation of the PoA at the Review Conference is unlikely<sup>107</sup> and that the UN process may even end afterwards. Perhaps by removing small arms from UN auspices, momentum could be

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<sup>104</sup> Laurance & Stohl, *Making Global Public Policy*, 18.

<sup>105</sup> Its full title is the Preparatory Committee to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SA and Light Weapons in All Its Aspects <http://www.un.org/events/smallarms2006/index.html> (24/1/06)

<sup>106</sup> <http://www.icbl.org/treaty/snp> (23/1/06)

<sup>107</sup> <http://www.iansa.org/un/review2006/End-of-conference-press-statement-IANSA.pdf> (23/1/06)

built for a fast-track negotiating process, similar to Ottawa, which would operate on the basis of self-selection by states willing to adopt more concrete measures. If this were to happen, the UN would once again be undermined.

### **Framing Small Arms as a first step towards Norm Generation**

Small arms are a far bigger problem than landmines. Approximately 639 million guns are in circulation, causing roughly 500,000 deaths a year<sup>108</sup>, compared to 26,000 for landmines<sup>109</sup>. Because of the obvious usefulness of small arms, the idea of prohibition would be a non-starter, so instead the focus is on re-defining legitimate use; a more complex undertaking. As yet there is no consensus over which forms of use should be delegitimised, or in what order. When is use by civilians and non-state actors legitimate? How is government misuse to be defined? The ICBL avoided these questions by siting agency in the landmines themselves and problematising all use. The famous NRA slogan ‘guns don’t kill, people do’, encapsulates the difficulties of problematising small arms per se. The consequences of seeking regulation rather than prohibition are significant, as regulation implies different legal forms and uses different compliance procedures. It will also be more difficult to generate public support for complicated regulations. Exacerbating the problem definition difficulties is controversy over which weapons should be included under the heading of ‘small arms’. Gun industry advocates suggest that only fully automatic ‘weapons of war’ should be included<sup>110</sup>, while IANSA wants

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<sup>108</sup> *Small Arms Survey 2003*, 132.

<sup>109</sup> <http://www.icbl.org/lm/2002/findings.html> (26/02/

<sup>110</sup> Robert Glock, ‘We are not the Bad Guys’, *The Brown Journal of World Affairs* 9(2) (2002), 15-18.

coverage of all small arms ‘which are recovered in the context of armed conflict and crime’<sup>111</sup>. The PoA avoided this issue by never defining small arms.

The small arms campaign is still at the first stage in the norm life cycle— that of norm emergence. There is no general agreement about which norms should be prioritised, with proposed norms including: bans on sales to non-state actors<sup>112</sup> or to situations where they are likely to be used in human rights abuses<sup>113</sup>; prohibiting civilian possession of military weapons; and conventions on marking, tracing<sup>114</sup> and brokering<sup>115</sup>. One reason for this proliferation of competing norms is that the campaign has not settled on a single frame, making solutions stemming from a number of contexts appear equally valid.

The multipurpose utility of small arms means they touch on a diverse range of issue-areas, including development, domestic violence and terrorism, making frame selection more difficult. During war, they are the default tool of combat and in peacetime, they are used for hunting, crime, suicide and self-defence. Although it is advisable for different NGOs to highlight different aspects of an issue so as to make the best use of their various skills and knowledge, the campaign would arguably be more effective if it followed the example of the ICBL by emphasising one particular frame in its advocacy work. This

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<sup>111</sup> IANSA, *Tracing Illicit Small Arms: Opportunities for the first substantive session of the Open-Ended Working Group on Tracing Illicit Small Arms and Light Weapons*, (2004), 2-3.

<sup>112</sup> Proposed by Canada prior to the SA Conference.

<sup>113</sup> Proposed by a coalition of NGOs including Amnesty International, the British-American Security Information Council, the Arias Foundation, Oxfam, the Federation of American Scientists, Project Ploughshares, Saferworld and the Friends Committee.

<sup>114</sup> *Draft Convention on the Marking, Registration and Tracing of SA and Light Weapons*, drawn up by Groupe de recherche et d’information sur la paix et la sécurité (GRIP).

<sup>115</sup> *Model Convention on the Registration of Arms Brokers and the Suppression of Unlicensed Arms Brokering*, <<http://www.grip.org/bdg/g2055.html>> (7/9/04).

would help campaigners get a stronger message across and generate greater publicity and momentum.

The campaign must select a frame which can encompass as many aspects of the issue as possible, while situating it in a context where NGOs are seen as experts and legitimate participants in policy formation. The chosen frame must also be capable of galvanising popular support for urgent action. Given the political sensitivity of the problem, a further consideration is whether it can depoliticise the issue. The context in which small arms is framed will suggest a particular set of normative solutions, which can be linked to pre-existing supportive norms or disassociated from opposing norms as part of the process of contesting normative space. Frames which have been proposed by NGOs include humanitarianism, human rights, development, public health and crime control. All of these are areas in which NGOs have an input in policy formation, so they are more suitable from the campaign's perspective than the current national security/arms control framework. Each frame suggests different types of solutions, is more relevant to some aspects of the problem than others, and draws on varying constituencies and levels of support. The discussion will now examine a sample of possible frames.

## **Humanitarianism**

Framing small arms as a humanitarian issue seems an obvious choice. Humanitarian campaigns have a good track record and defining a situation as a humanitarian crisis

creates an expectation of speedy intervention<sup>116</sup>. IHL provides a legal precedent for regulation of weapons use, with the possibility of linking new norms to those precedents. Depoliticisation is another useful consequence. But there are also some disadvantages. IHL only applies to situations of armed conflict, whereas small arms use is equally common in peacetime. As conflicts are now mostly confined to developing countries<sup>117</sup>, this approach could risk situating small arms as an exclusively Third World problem and overlook the opportunities for mobilising public support afforded by the effects of gun crime in the West<sup>118</sup>. Although a humanitarian frame could be useful in promoting measures such as preventing transfers to zones of conflict where IHL is breached, it may not be suited to reducing the total quantity of guns in circulation; a measure which is seen as necessary to reduce their overall impact<sup>119</sup>.

## **Human Rights**

Human rights is often regarded as the area of international governance in which NGOs have most influence, so in terms of choosing a frame which allows NGOs to be seen as legitimate participants in policy formation, it possesses an advantage. Unlike humanitarianism, a rights-based approach can apply to conflict and peacetime contexts and to both the North and South. It comes with a ready-made legal framework of supportive norms to which new norms could be linked, anchoring them to a pre-existing normative discourse and thereby increasing their chance of success<sup>120</sup>. The UN Special

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<sup>116</sup> Price, 'Reversing the Gun Sights', 639.

<sup>117</sup> Muggah & Griffiths, *Reconsidering the tools of war*, 8.

<sup>118</sup> *Small Arms Survey 2004*, 188-9.

<sup>119</sup> *Small Arms Survey 2001*.

<sup>120</sup> Price, 'Reversing the Gun Sights', 630.

Rapporteur on Small Arms has suggested developing the norm of ‘due diligence’ in order to obligate states to regulate the availability and use of small arms as a means of protecting the right to life<sup>121</sup>. In the context of controlling trade, various NGOs have produced a Framework Convention<sup>122</sup> which would expand the norm of state responsibility to make states accountable if they assist in committing internationally wrongful acts by exporting small arms to locations of human rights abuse.

Rights discourse places a strong emphasis on attributing responsibility for violations and defining the content of states’ obligations to protect human rights. Adopting a blaming approach could be counterproductive however, as it could make it more difficult to persuade states to adopt new norms. A related disadvantage is that human rights lacks the perceived ‘neutrality’ of humanitarianism, partly because ‘naming and shaming’ are essential components of the work of human rights NGOs, but also because human rights is sometimes regarded as a western-imposed ideology, with less resonance for other cultures. The rights-based approach also lacks the emotive appeal of humanitarianism, as rather than emphasising the protection of innocents, it stresses the dignity and autonomy of the individual; a perspective which is less conducive to intervention.

## **Public Health**

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<sup>121</sup> Barbara Frey, *The Question of the Trade, Carrying and Use of SALW in the context of Human Rights and Humanitarian Norms: report to UN SubCommission on Human Rights of the UNHCR*, UN, 2002, 21.

<sup>122</sup><[http://www.amnesty.org.uk/images/ul/\\_/\\_user\\_My\\_Documents\\_Amnesty\\_Work\\_control\\_arms\\_Frame\\_workConvention.pdf](http://www.amnesty.org.uk/images/ul/_/_user_My_Documents_Amnesty_Work_control_arms_Frame_workConvention.pdf)> (7/9/04).

This approach involves likening small arms-related injuries to a disease epidemic, with causes and impacts analysed in a scientific, seemingly objective manner<sup>123</sup>. It avoids attributing blame by positioning such injuries as statistical occurrences, with the goal being to reduce their incidence. Just as reducing exposure to viruses helps to control the spread of disease, reducing access to guns is seen as a means of reducing the number of injuries<sup>124</sup>. This returns the focus to the weapon itself, rather than the person pulling the trigger. The public health perspective also encompasses the demand side of the problem, as it recommends addressing the root causes of violence as part of a preventative healthcare approach<sup>125</sup>. It is more versatile than humanitarianism, as it applies to peacetime as well as conflict, and to developed and developing countries. It can also draw on health economics<sup>126</sup>, calculating the cost of injuries, lost earnings and so on, as a means of making economic arguments for small arms control. If proliferation could be defined as an economic issue, then more effective action could be anticipated. It would be difficult for governments to argue against proof that small arms proliferation did not make economic sense. More research needs to be done to accumulate the necessary evidence to back up such arguments, particularly in developing countries. Much of the health economics evidence comes from the US, where small arms injuries are estimated to cost the economy \$100 billion a year<sup>127</sup>. The economic effects are likely to be even

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<sup>123</sup> Wendy Cukier, 'Small Arms and Light Weapons: A Public Health Approach', *The Brown Journal of World Affairs* 9(2) (2002), 261-280: 261.

<sup>124</sup> Cukier, 'Small Arms and Light Weapons', 262.

<sup>125</sup> Cukier, 'Small Arms and Light Weapons', 261.

<sup>126</sup> Muggah & Batchelor, "*Development Held Hostage*", 20.

<sup>127</sup> P. Cook & J. Ludwig, "*Guns in America*": *National Survey on Private Ownership and Use*, (Washington DC: 1997)

more dramatic for developing countries however: it is thought that Latin America's GDP is reduced by 15-20% a year by small arms violence<sup>128</sup>.

A possible disadvantage of the public health approach is that, unlike humanitarianism or human rights, it has no international legal framework, which could make linking new public health-based norms with pre-existing supportive norms more difficult. However the lack of a specific international framework could prove advantageous, avoiding the restriction of small arms regulation to a single area of international law, such as IHL. This could make it easier to draw on legal precedents from other fields such as international trade law, which enjoy better compliance. Another disadvantage of using the public health frame is that its dry scientific approach may not be as effective in galvanising public support as the emotive appeal of humanitarianism. If small arms injuries can be likened to a public health crisis and a 'health scare' created however, there could be a strong basis for popular support. The overall advantage of the public health frame is its versatility which has led to its proposal as a means of uniting the various strands of the issue<sup>129</sup>.

All the above frames possess advantages and disadvantages, as they involve different frameworks of supportive norms and emphasise different aspects of a multidimensional problem. By examining a sample of possible frames it was intended to illustrate the consequences of framing choices for the eventual success of an NGO campaign. The external conditions in which a campaign takes place will also influence which frames will

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<sup>128</sup> Muggah & Batchelor, "*Development Held Hostage*", 6.

<sup>129</sup> H.C.R. Muggah, 'Globalisation and insecurity: The Direct and Indirect Effects of Small Arms Availability', *IDS Bulletin* 32(2) (2001), 70-78: 76.

be suitable for mobilising public support and media attention, so both external and internal factors need to be considered in tandem. A final matter to consider is whether the norms which eventually emerge will attract a high level of compliance. Whereas the landmines problem was resolvable through a single prohibitory norm, which could exert a strong moral obligation to comply and be relatively easy to monitor compliance with, the small arms issue requires more complex regulations, the very complexity of which could lessen the normative pull towards compliance, as well as making compliance more difficult for NGOs to monitor. The CCW provides evidence of the failure of a complex regulation system in the absence of strict compliance procedures. It follows therefore that small arms regulation will require more stringent verification procedures, and need to be enforced by states. Unfortunately securing state agreement to such measures will be more difficult than getting them to agree to a norm-based treaty, and requiring strict verification procedures returns the issue to the national security/arms control format which campaigners have been trying so hard to escape.

## **CONCLUSION**

The preceding sections have outlined the external and internal factors which influenced the ability of the NGO campaigns around landmines and small arms to influence global policy formation. It was suggested that in order for a campaign to succeed, it is necessary

for favourable political opportunity structures to exist<sup>130</sup>. The focus on geopolitical conditions was intended to illustrate that regardless of internal factors, whether an issue comes to prominence is largely dependent on wider forces outside of campaigners' control. The current geopolitical climate is not conducive to small arms regulation in the same way as the end of the Cold War was to the prohibition of landmines, and ongoing forces of globalisation have tended to exacerbate small arms proliferation, while the campaign has been unable to successfully exploit the emerging system of complex multilateralism to deal with the problem.

Because NGOs do not possess 'hard power', they are reliant to a much greater extent than other actors in the international system on the tools of 'soft power', namely persuasion and expertise, which they use to popularise their frames for issues. NGO campaigns cannot succeed without the support of other actors in the international system, particularly states. Measures which powerful states regard as seriously counter to their interests are unlikely to succeed and if states are preoccupied with other issues such as the War on Terror, they are less likely to support an NGO campaign on issues they regard as irrelevant to this overriding concern.

The first conclusion stemming from this is that the success of the ICBL was largely a result of the 'interwar' climate in which it took place. Parallels exist with the extensive involvement of NGOs in international politics during the interwar period of the 20<sup>th</sup>

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<sup>130</sup> Jackie Smith, 'Characteristics of the Modern Transnational Social Movement Sector' in Smith, Chatfield & Pagnucco (eds.), *Transnational Social Movements and Global Politics*, 57.

century<sup>131</sup>, and the lobbying of Tsar Nicholas II by NGOs to convene the Hague conferences<sup>132</sup>. If Hubert is right that ‘the 1990s can be characterized as a neo-idealist period with strong parallels to the decades preceding each of the two world wars.’<sup>133</sup> (Hubert, 2000: 70), then the 1990s may come to be regarded as another ‘interwar’ period in which a temporary window for NGO participation in global policy formation opened, before being shut with the advent of the ‘War on Terror’. The current national security-dominated climate seems largely to have returned NGOs to their previous Cold War position of relative impotence, although the new opportunities for transnational coordination and multilayered campaigning offered by globalisation may go some way to offsetting this.

A second reason for the success of the ICBL was that it reduced the landmines issue to a simple clear message. This has not been the case for the small arms campaign, raising the possibility that problems in need of more complex solutions may not be amenable to NGO campaigning. As the small arms problem cannot be solved through the introduction of a simple prohibitory norm, it will be more difficult for NGOs to generate support. This is because NGOs generate soft power by mobilising public support, which is easier to do behind a simple clear moral message than behind a more nuanced call for complicated technical regulations. Although NGOs are now able to play a greater role in international politics, because of the emergence of complex multilateralism, and the improved opportunities for transnational cooperation provided by communications globalisation, their power is still very much circumscribed by external conditions and the limitations

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<sup>131</sup> Kaldor, *Global Civil Society*, 87.

<sup>132</sup> Rutherford, ‘The Hague and Ottawa Conventions’, 45.

<sup>133</sup> Hubert, *The Landmine Ban*, 70.

imposed by the ways in which they generate support. NGOs are largely dependent on the media to mobilise public support, and on their ability to persuade states to support their positions, something which varies according to geopolitical conditions outside of their control. In the case of landmines state opposition was not as strong as it might have been due to the relaxed international security environment ushered in by the end of the Cold War. This was not the case for post-9/11 small arms campaigning, which has faced much tougher state opposition. Similarly traditional UN arms control negotiating structures have proved impossible for the small arms campaign to circumvent, in contrast to the ICBL, which benefited from an element of surprise in establishing the independent Ottawa process.

Although globalisation has increased NGO power by increasing their ability to exert simultaneous pressure for change from different levels and locations of governance, the success of the ICBL should be regarded as the exception rather than the rule of NGO participation in international politics. Although the ICBL has been highlighted as an effective NGO campaign, the landmine ban could not have occurred without a coincidence of external conditions and issue-specific characteristics which cannot easily be replicated.

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